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SUBJECT: MOJ CLEARS CONTROVERSIAL RATANAKIRI JUDGE OF MISCONDUCT
CHARGES

REF: A) PHNOM PENH 654, B) PHNOM PENH 538

SENSITIVE BUT UNCLASSIFIED

1. (SBU) The Ministry of Justice (MOJ) announced November 12 that it had investigated and cleared Ratanakiri Provincial Court Judge Thor Saron of accusations of misconduct. The unusual investigation into the judge's behavior came at the request of the King, who was responding to calls from civil society groups for Judge Thor's removal. The Cambodian Center for Human Rights (CCHR) had accused Judge Thor of acquiring 100 hectares of land near the site of a long running dispute in exchange for dropping charges against 10 ethnic minority villagers involved in the dispute. CCHR also alleged that the judge was illegally using a vehicle confiscated in 2008 as evidence in a robbery case.

2. (SBU) Judge Thor has been involved in two high-profile land dispute cases in Ratanakiri Province, which has brought him under the scrutiny of local human rights NGOs. He is the current investigating judge assigned to handle the Kong Yu case, in which a group of ethnic minority villagers have accused Keat Kolney, sister of the Minister of Economy and Finance, of illegally seizing land for a rubber plantation (Ref A). He is also the presiding judge in the case of Cambodian developer the DM Group, which is engaged in a land dispute with two villages. After summoning Cambodian Human Rights and Development Association (ADHOC) representative Pen Bonnar for questioning on incitement charges related to the DM Group dispute, Judge Thor publicly suggested that charges would not be brought against Pen if ADHOC removed him from Ratanakiri (Ref B). ADHOC removed Pen from the province, but the Court pressed charges anyway.

3. (SBU) Thor raised NGO suspicions again in early September when he submitted a request to Lumphat District authorities requesting 100 hectares of land for his livestock, located near the village of 10 individuals whom he was prosecuting on criminal charges related to the DM Group dispute. A commune official told NGOs and the press that local leaders had offered Judge Thor land in exchange for dropping the charges against the villagers, although the judge's request made no mention of the criminal case. In a September 22 press article, Judge Thor raised further questions from civil society by admitting that for over a year he had been using a vehicle confiscated by police during a robbery investigation.

4. (SBU) On October 12, the MOJ launched an investigation into the judge's alleged misconduct, at the request of the King. A team from the MOJ's General Inspection Department traveled to the province in late October to conduct interviews with Judge Thor, local officials, and village representatives. Announcing their findings on November 12, the MOJ investigators stated that Judge Thor's ownership of the land in question seemed to be legitimate, as no villagers had denied Judge Thor's ownership. The investigators' report failed to address the allegations of misconduct. Similarly, the investigators found that Judge Thor's use of a seized vehicle for over a year was permissible, because the vehicle was used for "public interests", such as transporting prisoners. Civil society groups immediately

criticized the MOJ's findings; ADHOC's President said that the investigation had "not provided justice", and noted that his organization would file a separate complaint against Judge Thor regarding his conduct in the Pen Bonnar case.

15. (SBU) COMMENT: Although Thor Saron seems to have escaped disciplinary action for now, his case is notable in that it is one of a number of recent human rights cases in which King Sihamoni has become involved, possibly signaling an effort by the monarchy to speak out more. The case also highlights the continuing general lack of understanding about the Land Law. Regardless of how the local community, provincial authorities, and the MOJ perceive ownership, per law the land in question could not be "given" to Judge Thor without being registered in the national cadastre. And if it were communal property belonging to the ethnic minority groups in the area, the Land Law states that they would need to agree as a community to sell or give a piece of the land to an individual.

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